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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,612	06/28/2000	Bruce D. Lucas	6169-142	5855

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EXAMINER

HUYNH, CONG LAC T

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/605,612

Applicant(s)

LUCAS ET AL.

Examiner

Cong-Lac Huynh

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 19-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 22-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: amendment with the re-filed declaration and affidavit under 37 CFR 1.131 filed 6/2/05 to the application filed on 6/28/00.
2. Claims 1-27 are pending in the case. Claims 19-21 have been withdrawn from consideration. Claims 1, 6, 10, 15, 19, 22, 25 are independent claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-18, 22-27 remain rejected under 35 U.S.C. 102(e) as being anticipated by Wesemann et al. (US Pat No. 6,349,132 B1, 2/19/02, filed 12/16/99).

Regarding independent claim 1, Wesemann discloses:

- identifying a Visual Browser and a Voice Browser, which are each implemented as functionally independent software components (figure 3, col 6, lines 18-36: accessing the HTML document by the Visual Browser and the Voice Browser shows that the two browsers are identified to provide two different interfaces by different softwares with different functions for presenting the HTML document)

Art Unit: 2178

- retrieving a network-based document formatted for in the Visual Browser (figures 3-5; col 3, line 33 to col 4, line 6)
- identifying in the retrieved document a reference to the Voice Browser, said reference specifying electronic content formatted for audible presentation in the Voice Browser (figures 3-4; col 5, lines 12-38)
- transmitting said reference to the Voice Browser (figure 3: transmitting HTML documents in the HTML source #310 to the Voice Browser #340; col 5, lines 27-38: the system identifies the links in a document and provides users with an audio representation of the document text)
- the Voice Browser retrieving said specific electronic content and audibly presenting said electronic content in the Voice Browser (figures 3-5: the document is retrieved and played audio of text after the text to speech translating; col 5, lines 27-38)
- the Visual Browser visually presenting said network-based document concurrently with said audible presentation (col 6, lines 18-36: "Voice Browser #340 could be used in conjunction with Visual Browser #320 to provide simultaneously visual and audio interfaces..."; col 2, lines 20-37)
- wherein the step of concurrently presenting results in a multi-modal presentation of the retrieved network-based document, the multi-modal presentation having a visual modality and an audible modality, functions for the visual modality being provided by the Visual Browser and functions for the audible modality being provided by the Voice Browser (col 6, lines 18-36: providing simultaneous visual

Art Unit: 2178

and audio interfaces on the monitor or on the telephone for presenting a HTML document shows a multi-modal presentation where the Visual Browser with visual functions provides visual presentation and the Voice Browser with audio functions provides audible presentation)

Regarding claim 2, which is dependent on claim 1, Wesemann discloses that the network-based document formatted for visual presentation in the Visual Browser is an HTML formatted document and the Visual Browser is a Web Browser (figure 3: the network document is a HTML document on the Internet so the visual browser #320 is a Web Browser; col 2, lines 20-52).

Regarding claim 3, which is dependent on claim 1, Wesemann discloses that said electronic content formatted for audible presentation in the Voice Browser is VoiceXML formatted electronic content (col 5, lines 20-53).

Regarding claim 4, which is dependent on claim 2, Wesemann discloses that said reference is a coordination markup attribute (col 2, lines 20-30 and col 8, lines 24-36: elements in the tags of a markup document include a markup attribute).

Regarding claim 5, which is dependent on claim 1, Wesemann discloses that said reference specifies a network-based document containing said electronic document formatted for audible presentation in the Voice Browser (col 5, lines 27-38) whereby the

Art Unit: 2178

Voice Browser can retrieve said specified network-based document through the computer communications network and audibly present said electronic content contained in said specified network-based document, while the Visual Browser can visually present said network-based document formatted for visual presentation (col 6, lines 18-36; col 2, lines 33-37).

Regarding independent claim 6 and its dependent claims 7-9, the claims are merely the opposite way to retrieve and present a network-based electronic document as in claims 1-3, and thus are rejected as in claims 1-3. Wesemann discloses accessing network-based electronic content in both a Voice Browser and a Visual Browser where the web document is *displayed and presented simultaneously in the Voice Browser and the Visual Browser*. Wiseman, therefore, inherently discloses the both ways of presentation a web document in an audio interface and a visual interface (col 3, line 33 to col 4, line 6). Wesemen further discloses:

- the Visual Browser lacks voice browsing capabilities and the Voice Browser lacks visual browsing capabilities (figure 3, col 6, lines 18-30: Visual Browser provides a visual presentation, and thus no voice browsing capabilities, and Voice Browser provides a voice presentation, and thus no visual presentation)
- presenting the network-based document by the Voice Browser concurrently with the visual presentation in a coordinated and complementary fashion such that function of visual browsing provided by the Visual Browser are synchronized with functions of voice browsing provided by the Voice Browser (col 6, lines 30-36: the

Art Unit: 2178

fact that the Visual Browser and the Voice Browser could be used simultaneously through the telephone shows that visual functions provided by the Visual Browser are *synchronized* with audio functions provided by the Voice Browser since both visual interface and audio interface presented at the same time)

Claims 10-14 are for a machine readable storage of method claims 1-5, and are rejected under the same rationale.

Claims 15-18 are for a machine readable storage of method claims 6-9, and are rejected under the same rationale.

Regarding independent claim 22, Wesemann discloses:

- identifying a Visual Browser and a Voice Browser, which are each implemented as functionally independent software components (figure 3, col 6, lines 18-36: accessing the HTML document by the Visual Browser and the Voice Browser shows that the two browsers are identified to provide two different interfaces by different softwares with different functions for presenting the HTML document)
- said Visual Browser lacking voice browsing capabilities and said Voice Browser lacking visual browsing capabilities (figure 3, col 6, lines 18-30: Visual Browser provides a visual presentation, and thus no voice browsing capabilities, and Voice Browser provides a voice presentation, and thus no visual presentation)

- incorporating visual content in a network-based document (figures 7-8; col 2, lines 38-52; col 3, lines 33-47)
- formatting said network-based document for visual presentation in a Visual Browser (col 3, lines 23-47)
- inserting at least one markup tag in said network-based document, said markup tag containing a coordination markup attribute specifying a network-based document formatted for audible presentation in a Voice Browser (col 2, lines 20-30, col 8, line 24-36 and col 5, lines 11-37: the links in the HTML document can be identified for playing the document text in the audio interface where the links are implemented by markup tags indicates that said markup tags can be included to the HTML codes for specifying the audio presentation of the web document which can be presented simultaneously with the visual presentation (col 6, lines 28-38))
- whereby the Visual Browser when rendering said network-based document formatted for visual display can identify said coordination markup attribute in said markup tag and can transmit a reference to said specified network-based document and audibly present said specified network-based document concurrently with the visual presentation of said network-based document formatted for visual presentation in the Visual Browser (col 3, line 48 to col 4, line 6 and col 6, lines 18-36)
- presenting the network-based document by the Voice Browser concurrently with the visual presentation in a coordinated and complementary fashion such that

function of visual browsing provided by the Visual Browser are synchronized with functions of voice browsing provided by the Voice Browser (col 6, lines 30-36: the fact that the Visual Browser and the Voice Browser could be used simultaneously through the telephone shows that functions provided by the Visual Browser are synchronized with functions provided by the Voice Browser since both visual interface and audio interface presented at the same time)

Regarding claim 23, which is dependent on claim 22, Wesemann discloses that said network-based document formatted for visual presentation in a Visual Browser is an HTML formatted document and said Visual Browser is a Web Browser (figure 3: the network document is a HTML document on the Internet so the visual browser #320 is a Web Browser; col 2, lines 20-52).

Regarding claim 24, which is dependent on claim 22, Wesemann discloses that said network-based document formatted for audible presentation in a Voice Browser is a VoiceXML formatted document and said Voice Browser is a VoiceXML Browser (col 2, lines 20-53, figures 1, 3, col 6, lines 18-36).

Regarding independent claim 25, Wesemann discloses:

- identifying a Visual Browser and a Voice Browser, which are each implemented as functionally independent software components (figure 3, col 6, lines 18-36: accessing the HTML document by the Visual Browser and the Voice Browser

shows that the two browsers are identified to provide two different interfaces with different softwares for presenting the HTML document)

- incorporating voice content in a network-based document (col 5, lines 11-38)
- formatting said network-based document for audible presentation in a Voice Browser (col 6, lines 18-63)
- inserting at least one markup tag in said network-based document, said markup tag containing a coordination markup attribute specifying a network-based document formatted for visual presentation in a Visual Browser (col 7, lines 10-53 and figures 6-9: the displayed web document as seen is encoded by the markup tags containing the markup attribute for a visual presentation of the web document; col 8, lines 23-36) wherein said markup tag is used to synchronize the visual presentation of content from the network-based document within the Visual Browser and the audible presentation of content from the network-based document within the Voice Browser, and wherein said visual presentation and said audible presentation occurs in a concurrent, coordinated, and complementary fashion that results in a multi-modal presentation of content from the network-based document (col 5, lines 28-38: the links identified for presenting in audio presentation where the links are implemented by the markup tags and where the audio presentation can be performed simultaneously with the visual presentation inherently shows that the markup tags are used for synchronizing the visual presentation and the audio presentation)

Art Unit: 2178

Regarding claim 26, which is dependent on claim 25, Wesemann discloses that said network-based document formatted for visual presentation in a Visual Browser is an HTML formatted document and said Visual Browser is a Web Browser (figure 3: the network document is a HTML document on the Internet so the visual browser #320 is a Web Browser; col 2, lines 20-52).

Regarding claim 27, which is dependent on claim 25, Wesemann discloses that said network-based document formatted for audible presentation in a Voice Browser is a VoiceXML formatted document and said Voice Browser is a VoiceXML Browser (col 2, lines 20-53 and col 10, lines 21-63).

Response to Amendment

5. The affidavit filed and the declaration re-filed 6/2/05 under 37 CFR 1.131 have been considered but remains ineffective to overcome the Wesemann reference (6,349,132).

The evidence submitted on 6/2/05 that includes the claim mapping and the letter from IBM dated November 29, 1999, letter from Akerman to IBM dated December 6, 1999, and the redacted docketing notes of 3/29/00, 4/29/00, 5/29/00, and 6/28/00 seems to be sufficient to prove conception and diligence. However, the submitted evidence is not filed in a proper format. It is requested that Applicant either address all of the evidence in the declaration or incorporated by reference thereto instead of mentioning the evidence in the remarks.

Response to Arguments

6. Applicant's arguments filed 6/2/05 have been fully considered but they are not persuasive.

Applicants argue that Weseman's teachings of establishing a hierarchical index lacks teachings and mechanisms necessary for integrating or synchronizing the visual and audio interfaces of a Voice Browser and Visual Browser together (Remarks, page 14). Examiner respectfully disagrees.

Wesemann teaches presenting the visual interface by the Visual Browser and the audio interface by the Voice Browser simultaneously (col 6, lines 30-36). This feature shows that the visual interface and the audio interface are synchronized to be presented at the same time.

Applicants argue that Wesemenn does not teach coordination markup tags, which could be used to synchronize a Voice Browser and a Visual Browser since the category attributes used to map page content would not provide a means to synchronize and coordinate audio/visual content between the Visual Browser and Voice Browser as claimed (Remarks, page 14).

Examiner respectfully disagrees.

Wesemann discloses identifying the number of links and provides the user with an audio representation of the document text (col 5, lines 28-38). Since the links are implemented by markup tags, and since these tags are created for presenting the document text in the audio representation which can be simultaneous presenting with the visual presentation of the document (col 6, lines 30-36), the identified links in

Wesemann inherently show coordination markup tags used to synchronize the Voice Browser and the Visual Browser.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kuiken et al. (US Pat No. 6,922,733 B1, 7/26/05, filed 6/30/99).

Miyashita et al. (US Pat No. 6,057,856, 5/2/00, filed 9/16/97).

Brocious et al. (US Pat No. 6,745,163 B1, 6/1/04, filed 9/27/00).

Wynblatt et al. (US Pat No. 6,018,710, 1/25/00, filed 12/13/96).

Barbara et al., The AudioWeb, ACM 1997, pages 97-104.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 571-272-4125. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-4125.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cong-Lac Huynh
Examiner
Art Unit 2178
08/17/05